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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	June <i>et al.</i>	Art Unit:	To Be Assigned
Serial No.:	To Be Assigned	Examiner:	To Be Assigned
Date Filed:	April 20, 2004	Conf. No.	To Be Assigned
Docket No.:	36119.140US3	Cust. No.:	23483
Title:	<b>Methods for Transfecting T Cells</b>		

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 225201785 US  
Express Mail No.

4/20/04  
Date of Deposit

  
Sharon R. Matthews

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith the attached Forms PTO-1449 and Forms PTO-892 for filing in the above-referenced application. This application is a continuation of pending U.S. Application Serial No. 10/658,787, filed September 9, 2003, which is a continuation of U.S. Application Serial No. 08/475,136, filed June 7, 1995 (now U.S. Patent No. 6,692,964). The attached Forms PTO-1449 and Forms PTO-892 stamped "copy" list references that were already submitted by the Applicants or cited by the Examiner in the parent applications; therefore, pursuant to 37 C.F.R. § 1.98 (d), no copies of the previously cited art are enclosed; however, copies can be provided upon request.

The attached Form PTO-1449 listing the reference, "Culver et al." identifies the one new reference citation being made in the present application. The Culver et al. reference was brought to the Applicants' attention by Examiner Nguyen during the prosecution of parent application, U.S. Application Serial No. 08/475,136 (U.S. Patent No. 6,692,964), but was never formally cited in a Form PTO-892.

Copies of the corresponding PCT International Search Report, PCT Written Opinion and PCT International Preliminary Examination Report (IPER) are also attached.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97 (b) (3), before the mailing date of a first Office Action on the merits; therefore, no fee is believed to be due.

The submission of this statement is not a representation that a search has been made, or that no better or other relevant art exists. This submission is also not an admission that any of the cited references is, or is considered to be material to patentability or that any of the cited references constitutes prior art to the invention. Moreover, the Applicants understand that the Examiner will make an independent evaluation of the cited publications.

It is respectfully requested that the information above be expressly considered and that the publications be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The Examiner is respectfully requested to initial the attached Forms PTO-1449 and Forms PTO-892 and return them with the next Office Action.

Please charge any fees that might be due in connection with this matter to Deposit Account No. 08-0219. If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: April 20, 2004

  
\_\_\_\_\_  
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Subt. For, PTO-1449				Docket Number 36119.140US3		Application Number To Be Assigned	
<b>INFORMATION DISCLOSURE IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>				Applicant June et al.			
				Filing Date April 20, 2004		Group Art Unit To Be Assigned	
Sheet	1	OF	1				

U.S. Patent Documents						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

Foreign Patent Documents							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

Other Documents (Including Author, Title, Date Pertinent Pages, Etc.)		
	A1	Culver et al., "In Vivo Expression and Survival of Gene-Modified T Lymphocytes in Rhesus Monkeys," Human Gene Therapy, 1:399-410 (1990)

EXAMINER	DATE CONSIDERED
<b>EXAMINER:</b> Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant.	

APPLICANT FACSIMILE OF FORM PTO-1449 REV 7-80		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. <b>RPI-035CP</b>	SERIAL NO. <b>08/475,136</b>
LIST OF PUBLICATIONS CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT <b>June et al.</b>	
				FILING DATE <b>June 7, 1995</b>	GROUP

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AA						

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AB	WO 94/29436	12/94	PCT				
AC							
AD							
AE							
AF							

## OTHERS (including Author, Title, Date, Pertinent Pages, Etc.)

AG	Cann, A.J., et al., "High Efficiency Transfection of Primary Human Lymphocytes and Studies of Gene Expression," <i>Oncogene</i> , vol. 3, 123-128 (1988);
AH	Fausser, A.A., "Long-Term Expression of Gene Introduction into Normal Human T-Lymphocytes by Retroviral-Mediated Gene Transfer," <i>Journal of Cellular Biochemistry</i> , vol. 45, 353-358 (1991);
AI	Finer, M., et al., "kat: A High-Efficiency Retroviral Transduction System for Primary Human T Lymphocytes," <i>Blood</i> , vol. 83, no. 1, 43-50 (1994);
AJ	Lowenthal, J., et al., "Tumor Necrosis Factor $\alpha$ Induces Proteins that Bind Specifically to $\kappa$ B-like Enhancer Elements and Regulate Interleukin 2 Receptor $\alpha$ -chain Gene Expression in Primary Human T Lymphocytes," <i>Proc. Natl. Acad. Sci. USA</i> , vol. 86, 2331-2335 (1989);
AK	Novak, T., et al., "In Vitro Transfection of Fresh Thymocytes and T Cells Shows Subset-Specific Expression of Viral Promoters," <i>Molecular and Cellular Biology</i> , vol. 12, 1515-1527 (1992);
AL	Park, J. et al., "Transcriptional Regulation of Interleukin 3 (IL3) in Primary Human T Lymphocytes," <i>The Journal of Biological Chemistry</i> , vol. 268, no. 9, 6299-6308 (1993);
AM	Philip, R., et al., "Efficient and Sustained Gene Expression in Primary T Lymphocytes and Primary and Cultured Tumor Cells Mediated by Adeno-Associated Virus Plasmid DNA Complexed to Cationic Liposomes," <i>Molecular and Cellular Biology</i> , vol. 14, 2411-2418 (1994);
AN	Tiberghien, P., et al., "Ganciclovir Treatment of Herpes Simplex Thymidine Kinase-Transduced Primary T Lymphocytes: An Approach for Specific In Vivo Donor T-Cell Depletion After Bone Marrow Transplantation?," <i>Blood</i> , vol. 84, no. 4, 1333-1341 (1994).
AO	
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Examiner	Date Considered
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\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

APPLICANT FACSIMILE OF FORM PTO-1449 REV 7-80		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY DOCKET NO <b>RPI-035CP</b>	SERIAL NO. <b>08/475,136</b>
LIST OF PUBLICATIONS CITED BY APPLICANT (Use several sheets if necessary)			APPLICANT <b>C. June et al.</b>	
			FILING DATE <b>June 7, 1995</b>	GROUP

### U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
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### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BB	WO 90/05541	5/90	PCT				
	BC	WO 94/12196	6/94	PCT				
	BD	WO 95/03408	2/95	PCT				
	BE	WO 95/33823	12/95	PCT				
	BF	WO 95/34320	12/95	PCT				
	BG	WO 96/01122	1/96	PCT				
	BH	WO 96/02646	2/96	PCT				
	BI	WO 96/06942	3/96	PCT				

### OTHERS (including Author, Title, Date, Pertinent Pages, Etc.)

BJ	Guba, S.C. et al., "Interleukin-3 Gene Induction in Normal Human T Cells Via Stimulation of CD3 and CD28," <i>Clinical Research</i> , vol. 37, no. 4, (1989).
BK	
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Examiner	Date Considered
*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Application No. 1/475,136	Applicant(s) June et al.		
Examiner Dave Nguyen	Group Art Unit 1633	Page 1 of 1	

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DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE

Part of Paper No. 19

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## Notice of References Cited

Application No. 08/475,136	Applicant(s) June et al.		
Examiner Dave Nguyen	Group Art Unit 1633	Page 1 of 1	

### U.S. PATENT DOCUMENTS

DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
5,733,543	3-31-98	Nabel et al.	424	93.21
5,738,852	4-14-98	Robinson et al.	424	199.1

### FOREIGN PATENT DOCUMENTS

DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS

### NON-PATENT DOCUMENTS

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE



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## Notice of References Cited

Application No.

OS/475,136

Applicant(s)

Tune et al.

Examiner

D. Nguyen

Group Art Unit

1804

Page 1 of 1

### U.S. PATENT DOCUMENTS

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### NON-PATENT DOCUMENTS

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
Crystal, Science, Vol. 270, 404-410	1995
Coghlan, New Scientist, Vol. 148 :14-15	1995
Ginzburg et al., Molecular Medicine Today, 1995:410-17	1995
Martinsfeld et al., Seminars In Oncology, Vol. 23, 1:4-21	1996

\* A copy of this reference is not being furnished with this Office action.  
(See Manual of Patent Examining Procedure, Section 707.05(a).)

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Applicant(s)

Examiner  
Patrick Twomey

Group Art Unit  
1804

**U.S. PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,399,346	03/21/95	Anderson, et al.	424	93.21
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## FOREIGN PATENT DOCUMENTS

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## NON-PATENT DOCUMENTS

DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
Fundamental Immunology, Second Edition, edited by WE Paul, Raven Press Ltd., New York ch. 13 and 15	1989
Pullen, AM. Superantigens. in: Encyclopedia of Immunology, IM Roitt, ed. Academic Press, New York.	1993